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REMARKS

Claims 1-10 remain pending in this application, with claim 1 being independent.

Claim Rejections – 35 U.S.C. § 102/103

- I -

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,292,578 ("Kölzer"). Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

If claims are directed to a narrow range, and a reference teaches a broad range, depending on the other facts of the case, it may be reasonable to conclude that the narrow range is not disclosed with "sufficient specificity" to constitute an anticipation of the claims. *See, e.g., Atofina v. Great Lakes Chem. Corp.*, 441 F.3d 991, 999, 78 USPQ2d 1417, 1423 (Fed. Cir. 2006). Any evidence of unexpected results within the narrow range may also render the claims unobvious. MPEP § 2131.03.

The present claims are broadly directed to a woven, patterned glass fiber textile composed of a glass fiber warp yarn of a titer of 270 to 300 tex and a glass fiber weft yarn of a titer of 68 to 660 tex. It has been discovered by the Applicants that a woven glass fiber fabric can be manufactured with a patterned weave if the warp and weft yarns have a titer within the ranges recited in the present claims. This is quite surprising since the prior art has taught that Jacquard woven, patterned glass fiber fabrics can only be produced on a pattern-controlled Jacquard loom if the warp yarn density is tightly controlled to be in the range of 130 to 150 tex, preferably 139 to 142 tex. (*See* U.S. Patent No. 6,267,151 ("Moll") at Column 1, Lines 20-30).

The Examiner asserts that the Applicants were "concerned with providing [a woven] glass fiber textile with increased strength", referring to page 4, lines 3-8, of the present specification. (Office Action, Page 16). Applicants respectfully traverse this assertion, and point out that page 4, lines 3-8, of the present specification states,

> Once the patterned glass fiber textile has been woven on the Jacquard loom, the textile can be used as is, or is preferably coated/impregnated in conventional fashion to provide the final characteristics of the product. Chemical treatments of glass fabrics are known to finalize/adjust such characteristics as strength, volume, stability and opacity of the final textile product. Any such chemical treatments can be employed with regard to the glass fiber textile of the present invention.

Rather than being concerned with providing a woven glass fiber textile with increased strength, Applicants were concerned with woven, patterned glass fiber textiles that are aesthetically pleasing.

The Examiner asserts that "a woven fiber design is a pattern." (Office Action, Page 16). Applicants respectfully traverse this assertion. Rather than a woven fiber design ***being*** a pattern, glass fabrics can be woven ***with*** a pattern. (*See* Page 1, Line 19, of the present specification). Further, as explained on page 1, line 30 – page 2, line 1, of the present specification, "The importance of aesthetics in commercial products . . . require that more flexibility is provided in ***creating*** patterns ***in*** woven glass textile fabrics." (Emphasis Added).

Applicants point out that claim 1 is directed to a "***woven, patterned*** glass fiber textile fabric". (Emphasis Added). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); MPEP § 2143.03.

Applicants respectfully submit that claim 1 is not anticipated as each and every element as set forth in the claim is not disclosed by Kölzer and that Kölzer does not disclose or suggest all the claim limitations. In particular, Kölzer does not disclose a woven,

patterned glass fiber textile fabric comprised of a glass fiber yarn with a titer of from 270 to 300 tex as the warp, and a glass fiber yarn having a titer ranging from 68 to 660 tex as the weft.

Claims 2-9 depend, or ultimately depend, from claim 1, and thus, contain all the limitations of claim 1. In view of the above, the rejection of claims 1-9 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Kölzer should be withdrawn.

- II -

Claims 1-6 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,667,097 ("Tokarsky"). Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Again, the Examiner asserts that "a woven fiber design is a pattern." (Office Action, Page 18). Applicants respectfully traverse this assertion. Rather than a woven fiber design ***being*** a pattern, glass fabrics can be woven ***with*** a pattern. (*See* Page 1, Line 19, of the present specification). Further, as explained on page 1, line 30 – page 2, line 1, of the present specification, "The importance of aesthetics in commercial products . . . require that more flexibility is provided in ***creating*** patterns ***in*** woven glass textile fabrics." (Emphasis Added).

Applicants point out that claim 1 is directed to a "***woven, patterned*** glass fiber textile fabric". (Emphasis Added). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); MPEP § 2143.03.

Applicants further respectfully submit that claim 1 is not anticipated as each and every element as set forth in the claim is not disclosed by Tokarsky and that Tokarsky does

not disclose or suggest all the claim limitations. In particular, Tokarsky does not disclose a woven, ***patterned*** glass fiber textile fabric comprised of a glass fiber yarn with a titer of from 270 to 300 tex as the warp, and a glass fiber yarn having a titer ranging from 68 to 660 tex as the weft.

Claims 2-6 depend from claim 1, and thus, contain all the limitations of claim 1. In view of the above, the rejection of claims 1-6 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Tokarsky should be withdrawn.

Claim Rejections – 35 U.S.C. § 103

- I -

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kölzer, and further in view of U.S. Patent No. 3,870,547 ("Workman"). Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Workman fails to cure the above noted deficiencies of Kölzer, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claim 10 is patentable over Kölzer and Workman for at least the same reasons as those discussed above regarding the rejection of claims 1-9 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Kölzer.

- II -

Claims 7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tokarsky, and further in view of U.S. Patent No. 6,337,104 ("Draxö") or 6,759,116 ("Edlund"). Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Draxö or Edlund fails to cure the above noted deficiencies of Tokarsky, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claims 7, 9, and 10 are patentable over Tokarsky and Draxö or Edlund for at least the same reasons as those discussed above regarding the rejection of claims 1-6 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Tokarsky.

- III -

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tokarsky, and further in view of Moll. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Moll fails to cure the above noted deficiencies of Tokarsky, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claims 7 and 8 are patentable over Tokarsky and Moll for at least the same reasons as those discussed above regarding the rejection of claims 1-6 under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Tokarsky.

- IV -

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 4,586,934 ("Blalock"). Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

The Examiner asserts that the disclosure of Blalock "that the 333 TEX yarn has a diameter about one-half the size of the 666 TEX yarn . . . "clearly teaches that TEX is referring to the titer." Applicants respectfully traverse this assertion as unsound and unsupported. (Office Action, Page 18).

Applicants respectfully submit that Blalock does not disclose or suggest all the claim limitations. In particular, Blalock does not disclose a woven, patterned glass fiber textile fabric comprised of a glass fiber yarn with a titer of from 270 to 300 tex as the warp, and a glass fiber yarn having a titer ranging from 68 to 660 tex as the weft. Rather, Blalock merely discloses a glass sliver yarn identified as 666 TEX or 333 TEX.

Claims 2-6 depend from claim 1, and thus, contain all the limitations of claim 1. In view of the above, the rejection of claims 1-6 under 35 U.S.C. § 103(a) as allegedly obvious over Blalock should be withdrawn.

- V -

Claims 7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Blalock, and further in view of Draxö or Edlund. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Draxö or Edlund fails to cure the above noted deficiencies of Blalock, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claims 7, 9, and 10 are patentable over Blalock and Draxö or Edlund for at least the same reasons as those discussed above regarding the rejection of claims 1-6 under 35 U.S.C. § 103(a) as allegedly obvious over Blalock.

- VI -

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Blalock, and further in view of Moll. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Moll fails to cure the above noted deficiencies of Blalock, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claims 7 and 8 are patentable over Blalock

and Moll for at least the same reasons as those discussed above regarding the rejection of claims 1-6 under 35 U.S.C. § 103(a) as allegedly obvious over Blalock.

- VII -

Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Draxö or Edlund in view of Tokarsky. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

The Examiner asserts,

> It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the titer, because some applicants are more concerned with a higher strength of the fabric, a higher depth of pile, and/or a high degree of loft of the loops, as opposed to a decrease in flexibility.

(Office Action, Page 20). Applicants point out that Draxö or Edlund are concerned with decorative fabrics which are flexible and have a decorative appeal to consumers. Therefore, there would have been no motivation to increase the stiffness and therefore reduce the fineness of the fabrics of Draxö or Edlund.

Claims 2-7, 9, and 10 depend from claim 1, and thus, contain all the limitations of claim 1. In view of the above, the rejection of claims 1-7, 9, and 10 under 35 U.S.C. § 103(a) as allegedly obvious over Draxö or Edlund in view of Tokarsky should be withdrawn.

- VIII -

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Draxö or Edlund in view of Tokarsky, and further in view of Moll. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Again, Applicants point out that Draxö or Edlund are concerned with decorative fabrics which are flexible and have a decorative appeal to consumers. Therefore, there would have been no motivation to increase the stiffness and therefore reduce the fineness of the fabrics of Draxö or Edlund.

Moll fails to cure the above noted deficiencies of Draxö or Edlund and Tokarsky, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claims 7 and 8 are patentable over Draxö or Edlund, Tokarsky, and Moll for at least the same reasons as those discussed above regarding the rejection of claims 1-7, 9, and 10 under 35 U.S.C. § 103(a) as allegedly obvious over Draxö or Edlund in view of Tokarsky.

- IX -

Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Draxö or Edlund in view of Blalock. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Applicants respectfully submit that those of ordinary skill in the art seeking to modify the woven fabrics of Draxö and Edlund would not have been motivated to look to the yarns of Blalock. Applicants further respectfully submit that there would not have been a reasonable expectation of success in so modifying the textiles of Draxö and Edlund.

Again, Applicants point out that Draxö or Edlund are concerned with decorative fabrics which are flexible and have a decorative appeal to consumers. Therefore, there would have been no motivation to increase the stiffness and therefore reduce the fineness of the fabrics of Draxö or Edlund.

Claims 2-7, 9, and 10 depend from claim 1, and thus, contain all the limitations of claim 1. In view of the above, the rejection of claims 1-7, 9, and 10 under 35 U.S.C. § 103(a) as allegedly obvious over Draxö or Edlund in view of Blalock should be withdrawn.

- X -

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Draxö or Edlund in view of Blalock, and further in view of Moll. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

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Again, Applicants point out that Draxö or Edlund are concerned with decorative fabrics which are flexible and have a decorative appeal to consumers. Therefore, there would have been no motivation to increase the stiffness and therefore reduce the fineness of the fabrics of Draxö or Edlund.

Moll fails to cure the above noted deficiencies of Draxö or Edlund and Blalock, with respect to Claim 1. Accordingly, Appellant respectfully submits that Claims 7 and 8 are patentable over Draxö or Edlund, Blalock, and Moll for at least the same reasons as those discussed above regarding the rejection of claims 1-7, 9, and 10 under 35 U.S.C. § 103(a) as allegedly obvious over Draxö or Edlund in view of Blalock.

Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (303) 978-3927 at his earliest convenience.

Respectfully submitted,

JOHNS MANVILLE

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